REMARKS/ARGUMENTS

Claims 1, 4, 6, 7, and 10 -12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Wittern (US 5,570,811). Claims 2 and 3 have been rejected under 35 U. S. C. 103(a) as unpatentable over Wittern in view of Crepaldi (US 4,078,672). Claims 8 and 9 have been objected to as being dependent on a rejected base claim. Claims 1 - 3 have been amended so as to better describe the novel features in the present invention and to overcome the rejections. Claim 8 has been rerwritten to include all limitations of its base claim and intervening claims. Newly added claims 13, 14, 16, and 17 recite subject matter found in original claims 8 and 9. Newly added claim 15 recites subject matter found in the specification, paragraph 0010 in the published application.

Applicant's Invention

The instant invention relates to a pusher apparatus comprising a track with lines (or rails) comprising means to engage teeth, a pusher mounted on the track for movement along the track; a spring mounted on the pusher for urging the pusher along the track; an axle rotatably mounted on the pusher; and at least two teeth-bearing wheels to positively engage said means on the track rails such that all said wheels move simultaneously along said tracks. The specification and claims specify said means may be slots or teeth on the tracks. The advancement of the pusher is effected by the spring. The fact that the wheels are made to advance simultaneously along the track thanks to the slots or teeth on the rails avoids "racking" or canting of the pusher as it moves along the track. Canting is avoided because both sides of the pusher are made to advance simultaneously. This is an especially important feature when the pusher is used in conjunction with heavy objects such as books, bottles, etc... Preferably, a rotary damper regulates the operation of the coil spring. Support for the "canting" limitation is found in the Abstract, and on page 3, Lines 5-10 of the published specification.

The present invention discloses a single axle, allowing travel of the pusher on curves with sharp turns thereon.

The positive engagement of the wheels with the track is effected by means of teeth on the wheels that engage slots or teeth on the track. The art of record neither contemplates nor suggests pushers with two or more wheels made to advance simultaneously along the track.

Wittern Does Not Teach Simultaneous Advancement
Of the Wheels Along the Track

Claims 1, 4, 6, 7, and 10 -12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Wittern (US 5,570,811). Wittern recites a pusher apparatus where a carriage has two axles each with a pair of smooth wheels that roll on smooth rails but with no provision that any two or more wheels advance simultaneously. Thus the wheels on the Wittern device can skid or spin in place allowing canting of the pusher, especially if the load on the pusher is off-center or if dirt or grease on the track causes the traction of the opposite wheels to become unequal. It must be noted that neither the text nor the figures in Wittern address the use of the pusher with a heavy object placed off-center.

Wittern neither anticipates nor suggests wheels with teeth advancing on tracks provided with means to engage the teeth, so as to prevent canting.

In light of the foregoing, the claims as now amended are patentably distinct from the device disclosed in Wittern. Withdrawal of the 102 rejection and allowance of claims 1, 4, 6, 7 and 10-12 is respectfully solicited.

Claims 2 and 3 have been rejected under 35 U. S. C. 103(a) as unpatentable over Wittern in view of Crepaldi (US 4,078,672). First, Crepaldi deals with unrelated art to that at issue. Crepaldi deals with the loading and unloading of circuit boards. There is no provision in Crepaldi to prevent or even limit the canting of the circuit boards by providing simultaneous advancement of two sides of a circuit board.

Apparently, Crepaldi is cited for its single zone gear. However, Crepaldi's gear is not a wheel. Instead, it rotates along its axis 55 back and forth along an approximately 135 degree arch. In fact, the teeth in Crepaldi's gear do not extend along its entire circumference. Rather, the periphery of Crepaldi's wheel is discontinuous in that it contains a region 57 to slidably receive a circuit panel. In no way does Crepaldi address moving objects along a linear path, let alone moving objects in such a way as to avoid

canting when one is using two wheels. The issue of canting does not arise in Crepaldi.

To modify Crepaldi to provide a toothed wheel for Wittern would obviate Crepaldi. Such a combination is impermissible hindsight, per *In Re: Gordon*, 733 F.2d 900 (Fed. Cir.1984).

Separately, Crepaldi discloses a single gear which is not even a wheel. This, compared to two toothed wheels required in the instant invention. Also, Crepaldi does not teach a spring whatsoever, let along a spring attached to a pusher.

A skilled person in the art would not combine Wittern's two axle carriage with smooth wheels on a smooth track with Crepaldi's single zone gear that rotates back and forth and arrive at single axle device where racking or canting is avoided with an axle with two or more toothed wheels advancing simultaneously along a toothed or slotted track.

In light of the foregoing, Applicant requests withdrawal of the 103 rejection based on Wittern and Crepaldi and allowance of claims 2 and 3.

An earnest attempt has been made hereby to respond to the January 8, 2007 Official Action in the above-identified matter. Applicant submits that the claims are in condition for allowance and respectfully solicits same. If the Examiner feels that a telephonic interview will expedite allowance, he is encouraged to contact the undersigned at the telephone number provided. Claims 1-4, 6-12, and new claims 13-17 are pending in the application. Allowance is respectfully solicited.

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Respectfully submitted,

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